IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

Bail Appl..No. 3982 of 2007()

CRIME NO.245/07 OF PANANGADU POLICE STATION.

PETITIONERS: APPLICANTS/ACCUSED.

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1. MANIYAPPAN @ MANI, S/O.SIVARAMAN,
AZHIKKATHARA HOUSE,THEKKANKADU,PANANGADU.

2. AJAYAN, S/O.S/O.SIVARAMAN,
AZHIKKATHARA HOUSE,THEKKANKADU,PANANGADU.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: RESPONDENT/COMPLAINANT.

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 3982 of 2007

Dated this the 4th day of July, 2007

ORDER

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Application for regular bail. The petitioners are accused 1 and 2. There are only two accused. They face allegations, inter alia, under Secs.452, 326 and 307 of the IPC. The alleged incident took place on 3/5/07. The petitioners had allegedly trespassed into the house of the de facto complainant and had, in furtherance of a prior design, attacked the victim who happened to be present in the house. The petitioners were arrested on 8/5/07. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the victim is a notorious criminal and false allegations are now raised against the petitioners unjustifiably by him. At any rate, the petitioners, who remain in custody from 8/5/07, may now be enlarged on bail subject to appropriate conditions,

prays the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the application seriously; but submits that both the victim and the petitioners do belong to rival goonda gangs. The apprehension of the police is that release of the petitioners may endanger the law and order situation in the locality. In these circumstances, subject to appropriate and strict conditions alone the petitioners may be released on bail if at all this Court is going to grant them bail, submits the learned Public Prosecutor.

4. Considering all the relevant inputs, including the long period of time that the petitioners have been under detention pending investigation, I am satisfied that the petitioners can be granted regular bail subject to appropriate conditions. Such conditions can be imposed which shall allay the apprehensions of the learned counsel for the petitioners.

5. **In the result:**

(a) The application is allowed.

(b) The petitioners shall be released on bail on the following terms and conditions:

(i) The petitioners shall execute bonds for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer on all Mondays between 10 a.m. and 12 noon until further orders.

(iii) The petitioners shall not enter the Sessions Division of Ernakulam District until further orders, except for the purpose of complying with Condition No.(ii) above.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge